

ORIGINAL

March 16, 2012

DRF

U.S. District Judge Fredric Block  
Eastern District of New York  
Brooklyn, NY

CR-10-985 (FB).

Dear Judge Block:

I am a reporter with Newsday. I am covering the trial of U.S. v. Espada, before you.

On Thursday, March 15, I requested access from the prosecution to documents, photographs and exhibits that had been entered into evidence that day. It is my understanding that the request was brought to your attention and, based on objection from the defense without hearing from any representative of the news media, you told the prosecution to not make the exhibits available for inspection and copying.

I would request that you reconsider. The Supreme Court and the 2d US Circuit Court of Appeals have recognized both a common law right of public access to court proceedings and a presumptive right of access under the Constitution. This right of access covers items entered into evidence as well as the proceedings themselves.

Since jurors have been directed not to read press accounts of the trial, and since the materials in question are materials that you have permitted jurors to see as evidence, there is no possible prejudice and no legally cognizable intrusion on the fair trial interests of the defense.

Thank you.

John Riley  
Newsday